



MEETING MINUTES

BOARD OF SUPERVISORS, COUNTY OF MONO STATE OF CALIFORNIA

Regular Meetings: The First,
Second, and Third Tuesday
of each month

Regular Meeting

County Courthouse,
Bridgeport, CA 93517

February 10, 2009

9:00 AM Meeting Called to Order by Chairman Reid
Pledge of Allegiance led by Supervisor Farnetti

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Chairman Reid reported on the following:

1. February 4: Attended the management meeting and agenda review meeting. Complimentary of how the management meeting is run.
2. February 5: Attended a meeting with the Fish & Game Department in Bishop. Conservation Fund is in the process of purchasing property that could be purchased by Fish & Game or USFS. Reid's concern with this transaction is loss of property tax to the County; there needs to be a way to recover some of the loss.
3. February 5: Attended an update meeting concerning public defenders.
4. The owner of the Bridgeport Inn has proposed turning the site into a visitor's center using funds available from the Tourism Commission. Using public funds in a private enterprise may give this business an advantage over the other businesses in town. The owner also wants to increase the size of signs and add a gift shop; these changes present code compliance problems.
5. Attended the LTC meeting yesterday.
6. Received a call from an employee who works at the senior center in Walker. When the County retained IMAAA employees as a result of the MOU, she lost 375 hours of sick leave. Reid asked staff to review the MOU concerning employees. He also asked staff to follow-up on a fundraising issue.
7. Will attend a meeting tomorrow with the Walker Lake Stakeholders group.

Supervisor Hunt reported on the following:

1. No report.

Supervisor Hazard reported on the following:

1. Attended the paramedics' negotiations.
2. Last Friday held office hours in Benton. Discussed the flood channel, EMS property, and the CSA, which is referred to as a TV tax. People are confused about the services provided by the CSA; the tax office needs to provide a better explanation

when people call to enquire about the assessment.

3. Attended the LTC yesterday. Nine counties are working together to do trip planning. Cal Trans is planning to install signs along 395 thanking veterans for their service; Hazard will follow up.
4. Attended the Recreation Round Table meeting yesterday. The group has developed a purpose and a mission statement. They are planning to make a presentation before the Board of Supervisors in April.
5. A running group in Mammoth wants to talk about creating a running track and facility in the Whitmore Park area. Hazard will keep the Board informed.

Supervisor Farnetti reported on the following:

1. February 4: Attended the department head meeting; these meetings are very productive.
2. February 4: Attended the Town Council meeting. 1) Rusty Gregory talked about the Mountain and the economy. Ski area visits and revenue are down; the ski season could end early because of the economy and snow fall. The Mountain laid off 35 full-time and 66 part-time employees. On a positive note, air service is running about 70% capacity; 35% from outside California. The Mountain may not have to pay the subsidy. 2) The Council approved \$55,000 for a wildlife manager, and reduced DIF for single-family homes and remodels.
3. Attended the LTC meeting yesterday. 1) The High Point curve project has been revised so the construction period won't have such a negative impact on the community. 2) Cal Trans projects have been suspended because of the State budget. 3) ESTA shows that six-month ridership is up. 4) There is a valid claim of 60 acres at the Black Point cinder mine. If the owner agrees, the Forest Service and BLM will move forward and the County will be assured of receiving cinders.

Supervisor Bauer reported on the following:

1. February 3: Attended the Women's Club installation dinner and the CAC meeting. The CAC voted on the well ordinance, 6-2 vote to protect the community water source. Bauer addressed the idea of a wind turbine project.
2. Yesterday attended a final Clark Tract meeting; the results will come to the Board next week.
3. The transit project is going well; Bauer has received many letters of support from other agencies. The plan wasn't included in the federal stimulus bill, however.

COUNTY ADMINISTRATIVE OFFICE

1)

CAO Report regarding Board Assignments (David Wilbrecht)

Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

David Wilbrecht reported on the following:

1. Mary Booher is finishing the list of projects for Buck McKeon; it is due on Friday.
2. Attended the paramedics' negotiations.
3. Continuing to follow the IMAAA program. Ed Zylman is in the process of hiring a social worker to monitor the program. Received feedback that people in Antelope Valley are happy with how the program is operating.
4. Will follow-up with the public defender RFP and will come back to the Board with information.
5. Attended the department head meeting on February 5th; the meetings are focused and operating well. The closed meeting held prior to the management meeting is for department directors to discuss leadership issues.
6. Continuing to hold status meetings with department heads.

2) APPROVAL OF MINUTES

M09-22 A. Minutes of the regular meeting held January 20, 2009.
Hazard/Hunt, 5-0

M09-23 B. Minutes of the special meeting held January 20, 2009.
Hunt/Bauer, 5-0

Closed Session: 9:06 a.m.
Break: 10:05 a.m.
Reconvened: 10:10 a.m.
Break: 11:47 a.m.
Reconvened: 11:54 a.m.
Lunch: 12:17 p.m.
Reconvened: 1:24 p.m.
Closed Session: 2:09 p.m.
Break: 3:41 p.m.
Reconvened: 3:42 p.m.
Adjourned: 4:19 p.m.

CLOSED SESSION

COUNTY COUNSEL

3a) Closed Session (**Dave Wilbrecht, Marshall Rudolph, Rita Sherman, Bob Garret, Mark Magit, Kelly Garcia**) - PUBLIC EMPLOYMENT. Government Code section 54957. Title: Project Manager.

Additional Departments: Public Works

3b) Closed Session - Exposure to Litigation - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to subdivision (b) of Government Code section 54956.9. Facts and circumstances: bid protests filed with respect to Bridgeport Landfill Closure Project.

HUMAN RESOURCES

4a) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret. Employee Organization(s): Mono County Public Safety Officers Association.

4b) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS. Government Code Section 54957.6. Agency designated representative(s): David Wilbrecht, Marshall Rudolph, Brian Muir, Rick Scholl, & Robert Garret. Employee Organization(s): Mono County Deputy Sheriffs' Association.

- 4c) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s):
David Wilbrecht, Marshall Rudolph, Brian Muir, Mark Mikulicich, & Robert
Garret. Employee Organization(s): Mono County Paramedic Rescue
Association.
- 4d) Labor Negotiations - CONFERENCE WITH LABOR NEGOTIATORS.
Government Code Section 54957.6. Agency designated representative(s):
David Wilbrecht, Marshall Rudolph, Brian Muir, Mark Magit, & Robert Garret.
Employee Organization(s): International Union of Operating Engineers,
Stationary Local 39, AFL-CIO (aka Mono County Public Employees).

The Board had nothing to report from closed session.

DEPARTMENT REPORTS/EMERGING ISSUES

Lynda Roberts reported on the following:

1. Effective January 1, the duties of Registrar of Births and Deaths were transferred by the State from the Clerk's Office to the Health Department. The transition is proceeding smoothly.

Sheriff Scholl reported on the following:

1. Will be meeting with TRG on the 24th to discuss the jail needs assessment; the jail is over crowded. Crime will probably go up and continue to create a crowded situation; also, the State is planning to release inmates and return them to the counties where they were sentenced. The Sheriff's Department is working on solutions.
2. Will be meeting this Thursday with LADWP about boating enforcement on Crowley Lake; they are asking for increased assistance to ensure that boats are launched only from South Landing (in an effort to control the Quagga).

Marshall Rudolph reported on the following:

1. Some counties will be litigating against the State to challenge the State Controller's deferment of payments to social services programs; other counties are considering whether or not to join the litigation. If the Board wants to discuss this, Rudolph will agendize the item for closed session.
2. Tulare County Counsel is pressing Washington, D.C., to appoint more federal judges in the eastern district. If the Board wants to consider this matter, Rudolph will agendize it for next week.

Clay Neely reported on the following:

1. The Board approved money to increase network speed; the new technology is in place and is working well. IT also installed new wireless technology between Sierra Center and Minaret Malls.
2. The IT Department is tracking money available through the federal stimulus package for high speed internet service.

CONSENT AGENDA

(All matters on the consent agenda are to be approved in one motion unless a board member requests separate action on a specific item.)

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 5a) Mono Basin RPAC member appointments - Reappointment of four existing

Mono Basin RPAC members and appointment of two new members.

- M09-24** **Action:** Reappoint four current Mono Basin RPAC members and appoint two new members (all these appointments are two year terms expiring 12-31-10). Members to be reappointed: Katie Bellomo, Zane Davis, Yvete Garcia and Chris Lizza. New members to be appointed: Peter Jones (filling resigned member Norm DeChambeau) and Bartshe Miller (filling resigned member Greg Reis).
Farnetti/Hunt, 5-0

SHERIFF CORONER

- 6a) Speed Awareness Radar Trailers (**Ralph Obenberger**) - Proposed purchase of two Speed Awareness Radar Trailers to combat the actual or perceived speed problem on various roadways.

- M09-25** **Action:** Authorize the Mono County Sheriff's Department, on behalf of the County, to purchase two speed awareness radar trailers for public safety purposes.
Farnetti/Hunt, 5-0

REGULAR AGENDA

CORRESPONDENCE RECEIVED (INFORMATIONAL)

All items listed are available for review and are located in the Office of the Clerk of the Board

CLERK-RECORDER

- 7a) Mammoth Lakes Jazz Jubilee - Thank-you letter to the Board for the County's \$15,000 donation.
- 7b) Board of Forestry and Fire Protection - Policy statement entitled ***Board of Forestry and Fire Protection Policy Number 12 for Professional Foresters Registration: Guidance on the Certified Rangeland Manager Program.***

The Board acknowledged receipt of the correspondence.

SHERIFF CORONER

- 8a) FY 2007 Public Safety Interoperable Communications Grant (**Sheriff Richard C. Scholl or Lt. David O'Hara**) - Consider and potentially adopt proposed resolution authorizing Sheriff Richard C. Scholl or Lt. David O'Hara to apply for and administer the 2007 PSIC Grant. Receive staff report. Provide any desired direction to staff.

- R09-04** **Action:** Adopt **Resolution R09-04** authorizing Sheriff Richard C. Scholl or Lt. David O'Hara to apply for and administer the 2007 PSIC Grant.
Bauer/Hunt, 5-0

Sheriff Scholl: Money is available to upgrade the interoperable communications system. Mono County's system is in good shape and has few changes to make; Lt. O'Hara is working with Inyo County to assist them in upgrading their equipment so the system is interoperable with Mono County. The grant requires a match, which will be paid using communication site fees.

INFORMATION TECHNOLOGY

- 9a) Telephone System Maintenance Agreement (**Clay Neely**) - Consider and potentially approve County entry into proposed contract with Avaya pertaining to Channel Service Agreement for telephone system maintenance, and authorize Board Chair to execute said contract on behalf of the County. Receive staff report. Provide any desired direction to staff.

- M09-26** **Action:** Approve County entry into proposed contract. Authorize Board Chair to sign said contract on behalf of the County.
Farnetti/Bauer, 5-0

Clay Neely: IT has negotiated a new telephone maintenance contract (the previous contract expired last April and did not accurately reflect the covered equipment). The fiscal impact for FY 2008-09 will be \$14,146, and will be \$11,000 annually in future years. The cost increased due to changes in the billing structure and new equipment added by the County.

COMMUNITY DEVELOPMENT - PLANNING DIVISION

- 10a) General Plan Amendment 08-01 (**Greg Newbry and Courtney Weiche**) - Conduct public hearing regarding General Plan Amendment 08-01. Receive staff report. Consider and potentially adopt Board of Supervisors Resolution approving General Plan Amendment 08-01. Provide any desired direction to staff.

- R09-05** **Action:** Adopt **Resolution R09-05** approving General Plan Amendment 08-01, excluding Action 5.1, Action 3.4, and the last sentence of Action 6.3, "Any subsequent extension of power lines onto the property, shall, without exception, be undergrounded."
Hazard/Hunt, 5-0

Greg Newbry, Gerry LeFrancois, and Courtney Weiche: PowerPoint presentation outlining the changes to the General Plan. Proposed updates affect the following sections:

- Fire Safe Regulations
- Antelope Valley Area Plan
- Parking
- Yards and Setbacks.
- Space Between Buildings
- Placement and Use of Recreational Vehicles
- Uses Permitted Subject to Use Permit
- Political Signs

- Height
- Pavement and Driveway Standards
- Wheeler Crest Proposed Emergency Access Road
- Safety Element
- Uses Permitted Subject to Director
- Regional Transportation Plan
- Limited Impact Development/Green Development
- June Lake Trail Plan

Marshall Rudolph: If the Board chooses to approve Action 3.4 regarding groundwater in Antelope Valley, Rudolph revised the language so it fits within the County's scope of authority.

Chairman Reid opened the public hearing.

- Jerry Allendorf, June Lake Citizens Advisory Committee: It is important to have a designated pedestrian walkway system in June Lake.
- Stan Bloom, June Lake Trails Committee: Trails are an important part of the community and need to be in place prior to future development; the Forest Service supports the plan.
- Bruce Woodworth, Walker RPAC member: Antelope Valley community wants plans in place prior to future development, and would like the opportunity for increased public input in the planning process.

Chairman Reid closed the public hearing.

Board Discussion

- Supervisor Bauer: The June Lake Trails Plan has been in place for a number of years. In response to the Antelope Valley RPAC's desire to review subdivision plans (Action 5.1), the June Lake community has participated in the planning process in an advisory role only and it has worked well.
- Supervisor Hazard: Community Development should further explore the fuels reduction and alternative energy plans to better understand the relationship with private land owners. Regarding Antelope Valley RPAC's request for input into the public process, the RPAC should provide an advisory role only.
- Supervisor Farnetti: Agreed with Supervisor Hazard about fuels reduction. Regarding the Antelope Valley RPAC, the planning authority rests with the planning commission; however, residents do need to get involved in the process due to development pressure.
- Supervisor Hunt: Agreed with Supervisor Hazard about interface issues concerning fuels reduction; he supported the June Lake Trails Plan since it is critical to the community. Hunt supported the changes as presented.
- Supervisor Reid: Supported the clarifying language as proposed; suggested that language about power lines in Action 6.3 should be more flexible. Regarding the suggestion made by the Antelope Valley RPAC (Action 5.1), the current system works. The Planning Commission is willing to hold meetings in communities to discuss developments; by their nature, RPACs are advisory and not regulatory. Regarding political signs, Reid suggested that during election season, the compliance officer check candidates' signs to be sure they comply with the law.

PUBLIC WORKS

Additional Departments: County Counsel

11a)

Bridgeport Landfill Closure Construction Project (**Evan Nikirk and Allen**

Berrey) - Resolution of bid protests and possible contract award or re-bid authorization with respect to the Bridgeport Landfill Closure Construction Project.

M09-27

Action: 1) Let the record show that the Board received the staff report concerning protests filed by WES Construction Company (WES) and Marzano and Sons General Engineering (Marzano) against the low bid submitted by Cal Fran Engineering (Cal Fran) in response to the County's solicitation for bids for Closure Construction at the Bridgeport Landfill (Project). 2) Reject the protest filed by Marzano because the bid requirement with which Marzano alleged Cal Fran failed to comply - the provision of certain liner-related warranties - was removed from the bid specifications by a bid addendum. 3) Reject the protest filed by WES because: a) the bid requirement with which WES alleged Cal Fran failed to comply - the provision of a certain liner-related warranties - was removed from the bid specifications by a bid addendum; and b) the other grounds of its protest were not submitted before expiration of the bid-protest deadline. 4) Based on the information received and the record in this matter to date, waive the defects in CalFran's bid identified by Public Works as immaterial, find CalFran to have submitted the lowest responsive bid, and award a contract for construction of the Project to CalFran in an amount not to exceed \$934,116.75. 5) Authorize the Public Works Director (in consultation with County Counsel) to execute and administer that contract, with the administrative authorization to include authority to make amendments to the contract from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget, are in full compliance with the Public Contract Code, and are approved as to form and legality in advance by County Counsel.

Farnetti/Hazard, 5-0

Evan Nikirk: The staff report explains the situation thoroughly. Public Works received two protests during the bid process; the protests were found to be without merit. Each bidder is present today to address their bids.

Allen Berrey: Recommended the Board reject the protests, and then hear from each bidder before moving forward. The attorney for Cal Fran Engineering addressed bid deficiencies in a letter dated February 3, 2009; a copy of the letter was provided to the Board earlier in closed session. County Counsel concurs with the conclusions and recommendations in the letter.

The Board decided to hear from each contractor prior to taking action.

Vernon Huntsinger, Cal Fran Engineering: Cal Fran complied with the requirements of the bid documents. Qualifications of the subcontractor were inserted with the bid package knowing that qualifications might have to be replaced or added after finding out who the subcontractor would be. Irregularities in the overall bid proposal were inconsequential.

Troy Gray, WES Construction: Referred to the instructions to bidders (apparent low bidder statement requirements). Cal Fran did not submit the qualifications of the subcontractor named in the bid document, nor did they include the previous work history for the past three years. Therefore, they did not comply with the determination of apparent low bidder. The requirements in the instructions to bidders are specific.

Allen Berrey: The Board can choose to waive the errors in the Cal Fran bid since the errors do not legally render the bid nonresponsive. The bidder's qualifications specify that statements containing missing or incomplete information *may* render a bid nonresponsive, not *shall*. The information provided allows the Board to determine if Cal Fran has the ability to do the job.

LUNCH BREAK

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

SOCIAL SERVICES

- 12a) Lack of State Unemployment Services (EDD) (**Ed Zylman, Director**) - Issues concerning the lack of resources and services provided by State Employment Development Department.

Action: Discuss issues and give direction to staff.

Ed Zylman: Direct assistance from EDD as been terminated in the Eastern Sierra; people can now only contact the office by phone. This presents a struggle for clients and puts the responsibility on community-based organizations, or people have to rely on help from their church or friends. People are seeking assistance through the Social Services Department and have asked to use the telephone and computers, or have asked for direct help from a staff member. Legislation says that EDD is supposed to be an active partner with one-stop facilities, such as the Social Services Department. It does not seem apparent at this time that the State is planning to open a facility in the area.

Supervisor Hazard: Phone service is not helpful or timely; phone calls are not returned. People can complete a form on line, but information has to be verified at a local office, which would be in Kern County or Ridgecrest. This presents a hardship for unemployed people. Hazard suggested writing a letter and/or contacting Senator Cox. The County needs representation at the State level.

The Board directed Zylman to follow-up with the appropriate people. CAO, David Wilbrecht, will assist Zylman, and Supervisor Reid will contact RCRC to determine if this is a problem in other rural counties. Supervisor Hazard suggested working with COG.

BOARD OF SUPERVISORS

- 13a) U.S. Forest Service Workshop (**Marty Hornick or Nancy Upham**) - Provide the Board with an update about the U.S. Forest Service Travel Management Plan--Inyo National Forest.

Action: Receive report and give direction to staff if desired.

Jim Upchurch and Michael Schlafmann presented the following information:

- The Forest Service has issued a draft Environmental Impact Statement regarding routes across the national forest.
- The Forest Service has been directed to create a system to allow the public to have access to recreation and prohibit cross-country transportation.

- The process will consider 1,700 miles of unauthorized routes that have never been analyzed and added; 1,300 of these miles are in Mono County
- Experts have reviewed the routes to determine the effects of adding them to the system.
- The 60-day comment period started January 31st and will end March 31st; the Forest Service is asking for public comment about alternatives and concerns.
- Range of Alternatives: 1) no change; 2) implement the proposed travel management rule; 3) bring routes into the system for sustainability and recreation; 4) maximize recreation access; 5) minimize impacts to resources; 6) balance the addition of routes against access and protection of resources. The motorized community presented alternative six.
- In roadless areas, the Forest Service can designate motorized trails but not add them. The majority of roads in roadless areas are in Inyo County. Upchurch will make the decision about roads to add based on public comments. The wilderness bill is before Congress and if it passes, this could impact some of the routes.
- The result of this process will be a legal map (Motor Vehicle Use Map, free to the public). Upchurch is working with the motorized community to develop a map with a localized scale so it will be easier to read. The map will be updated each year until the system is stable.
- Once the alternative is selected, public support will be important, since the Forest Service cannot enforce 3,000 miles of routes. The Forest Service won't be dogmatic about enforcement until signs are in place and there is some public education.
- There will be a public meeting this evening to assist the public in understanding the issue.

ADJOURN: 4:19 p.m.

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